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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,108	07/27/2001	Robert Pollack	2001KP238PA	1876
7590 07/08/2005 KENNETH F. PEARCE ATTORNEY AT LAW 631 DENMARK DRIVE DANVILLE, KY 40422-2419			EXAMINER REID, CHERYL M	
			ART UNIT 2142	PAPER NUMBER

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,108

Applicant(s)

POLLACK, ROBERT

Examiner

Cheryl M. Reid

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/20/04
1/20/02
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. The affidavit filed on April 21, 2005 under 37 CFR 1.131 has been considered but is ineffective to overcome the Kelly and Guler references.

FORMALITIES

2. Applicant, Robert Pollack, has stated that " I conceived most of the subject matter disclosed..." and that " my joint inventor conceived the remainder of the subject matter disclosed..." Thus Mr. Pollack has sworn that he is not the sole inventor of the claimed invention.

3. ***Who May Make Affidavit or Declaration; Formal Requirements of Affidavits and Declarations***

I. WHO MAY MAKE AFFIDAVIT OR DECLARATION

The following parties may make an affidavit or declaration under 37 CFR 1.131:

(A) All the inventors of the subject matter claimed.

(B) An affidavit or declaration by less than all named inventors of an application is accepted where it is shown that less than all named inventors of an application invented the subject matter of the claim or claims under rejection. For example, one of two joint inventors is accepted where it is shown that one of the joint inventors is the sole inventor of the claim or claims under rejection.

(C) If a petition under 37 CFR 1.47 was granted or the application was accepted under 37 CFR 1.42 or 1.43, the affidavit or declaration may be signed by the 37 CFR 1.47 applicant or the legal representative, where appropriate.<

(D) The assignee or other party in interest when it is not possible to produce the affidavit or declaration of the inventor. Ex parte Foster, 1903 C.D. 213, 105 O.G. 261 (Comm'r Pat. 1903).

An affidavit or declaration by less than all named inventors of an application is accepted where it is shown that less than all named inventors of an application invented the subject matter of the claim or claims under rejection. For example, one of two joint inventors is accepted where it is shown that one of the joint inventors is the sole inventor of the claim or claims under rejection. See MPEP 715.04

4. None of the conditions set forth in MPEP 715.04 have been satisfied here.

Therefore the affidavit signed solely by Robert Pollack is insufficient as a formal matter and cannot be used to establish prior invention no matter what the substance.

SUBSTANCE

2. Applicant attempts to establish prior invention by a showing of reduction to practice of the invention prior to the effective date of the references (January 19, 2001 and July 10, 2001 respectively).

5. The evidence submitted is insufficient to establish applicant's alleged actual reduction to practice of the invention in this country or a NAFTA or WTO member country before the effective date of the Kelly (US 2003/0088452) and Guler et al hereinafter Guler (US 2003/0018515) references.

GENERAL CONSIDERATIONS

The essential thing to be shown under 37 CFR 1.131 is priority of invention and this may be done by any satisfactory evidence of the fact. FACTS, not conclusions, must be alleged. Evidence in the form of exhibits may accompany the affidavit or

Art Unit: 2142

declaration. Each exhibit relied upon should be specifically referred to in the affidavit or declaration, in terms of what it is relied upon to show. See MPEP 715.07

The affidavit or declaration and exhibits must clearly explain which facts or data applicant is relying on to show completion of his or her invention prior to the particular date. Vague and general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice "amounts essentially to mere pleading, unsupported by proof or a showing of facts" and, thus, does not satisfy the requirements of 37 CFR 1.131(b). In re Borkowski, 505 F.2d 713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibits pointing out exactly what facts are established and relied on by applicant. 505 F.2d at 718-19, 184 USPQ at 33. See also In re Harry, 333 F.2d 920, 142 USPQ 164 (CCPA 1964) (Affidavit "asserts that facts exist but does not tell what they are or when they occurred.") See MPEP 715.07

REDUCTION TO PRACTICE

In general, proof of actual reduction to practice requires a showing that the apparatus actually existed and worked for its intended purpose. See MPEP 715.07 For an actual reduction to practice, the invention must have been sufficiently tested to demonstrate that it will work for its intended purpose, but it need not be in a commercially satisfactory stage of development. See MPEP 2138.05

6. As evidence of a RTP, Applicant has submitted 5 unnumbered pages alleged to be part of an instruction manual, which was available, as early as January 17, 2001 (See Affidavit paragraph 7). These pages contain labeling "Instruction Manual" inserted by hand on top of each page. The pages, from their content, do not appear to be consecutive pages of the document. In addition, copies of two invoices from a web-host and a cancelled check dated January 3, 2001 is submitted to prove that the system embodied in the manual was reduced to practice as of January 2001, which is prior to the effective date of the above-mentioned references. (See Affidavit paragraph 7).

Art Unit: 2142

7. The showing of Reduction to practice must be directed to the CLAIMED invention.

8. Note, that the affidavit merely states that the Exhibits will evidence the reduction to practice of the invention. There is no explanation at all of how the 5 pages excerpted from the instruction manual relate to the claimed invention. Thus, applicant 's affidavit amounts to a general assertion of RTP, which is no more than a mere pleading. Furthermore, there is no "clear explanation of the exhibits pointing out exactly what facts are established and relied on by applicant".

9. Accordingly, Applicant has not met the burden of establishing RTP of the claimed invention.

10. Examiner has carefully reviewed the submitted exhibits and offers the following comments. Although some aspects of the claimed invention are illustrated by the exhibits (such as generating a digital template, displaying digital template for use) other important aspects of the **claimed** invention are not readily apparent. For example, the Examiner does not see where prohibiting unauthorized use of said servers and categorizing and aggregating continuously in real time is disclosed in the Exhibits. Note that these comments are illustrative not comprehensive, and are offered for guidance. Applicant bears the burden of showing that the invention was reduced to practice prior to the reference date.

11. Furthermore, even if Applicant (perhaps by providing additional pages from the Instruction Manual accompanied by a proper affidavit which clearly explains how the evidence supports the claimed invention) would successfully show the conception of the claimed invention, the Examiner contends that Applicant has failed to provide evidence indicating that his invention actually worked prior to the effective date of the above stated references. Merely providing copies of an instructional manual is not sufficient evidence to indicate or demonstrate that the system was working for its intended purposes. For example, it is well-known in the art that obtaining a domain name and developing web pages does not guarantee that the website is functional or successfully performs its intended purposes. Thus while, Applicant has proven that his system existed, he has not fulfilled his burden of showing that his system was working.

Inventorship

12. Applicant is required to request the correction of inventorship for his nonprovisional application under 37 CFR 1.48(c). Applicant needs to request the addition of an inventor(s). Applicant must fulfilled the requirements set forth by 37 CFR 1.48(c).

1.48 Correction of inventorship in a patent application, other than a reissue application, pursuant to 35 U.S.C. 116.

(a) *Nonprovisional application after oath /declaration filed . If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a*

Art Unit: 2142

nonprovisional application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors. If the nonprovisional application is involved in an interference, the amendment must comply with the requirements of this section and must be accompanied by a motion under § 1.634. Amendment of the inventorship requires:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;*
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;*
- (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;*
- (4) The processing fee set forth in § 1.17(i); and*
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).*

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1,2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin et al hereinafter Hamlin (US 6477504) and further in view of Kelly (US 2003/0088452). This rejection is set forth in a prior Office Action, mailed on November 23, 2004.

Art Unit: 2142

14. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin and Kelley as applied to claim 2 above, and further in view of Chen et al hereinafter Chen (US 2003/0105658). This rejection is set forth in a prior Office Action, mailed on November 23, 2004.

15. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin and Kelley and Chen as applied to claims 1-3 above, further in view of Busche et al hereinafter Busche (US 2003/0055707). This rejection is set forth in a prior Office Action, mailed on November 23, 2004.

16. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin, Kelley, Chen, Busche as applied to claims 4 above, and further in view of Guler hereinafter Guler (US 2003/0018515).

17. Claim 6, 7, 8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin, Kelley, Chen, Busche, Guler as applied to claims 5 above, and further in view of Bourne et al hereinafter Bourne (US 6584548).

18. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin and Kelley as applied to claim 9 above, and further in view of Chen.

19. In regards to claim 10, Hamlin and Kelley are both silent in regards to cross-tabbing said data. Chen teaches that data is cross-tabbed (Fig 2 and 4). Hamlin's invention relates to providing businesses with information relating to the behaviors and opinions of the market place (Col 1, lines 2-4). Chen's invention relates to profiling

Art Unit: 2142

customer's behavior (Paragraph [0002], lines 1-2). Adding the above mention features to Hamlin's invention would give a more complete understanding of customers' behavior. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above-mentioned modification.

20. *Claim 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley, Hamlin, Chen as applied to claim 10 above, and further in view of Guler.*

21. In regards to claim 11, neither Kelley nor Hamlin nor Chen explicitly teach about the step of generating weighted averages. Guler teaches on this aspect (Paragraph [0129], lines 3-5). Hamlin's invention relates to helping businesses make more informed and accurate decisions (Col 2, lines 44-48). Guler's invention relates to helping businesses make decisions that will maximize the outcome in their favor (Paragraph [0005], lines 1-2, Paragraph [0010], lines 2-4). Adding the above mentioned feature to Hamlin's invention would improve Hamlin's invention because it give an overview or average of specific variables, allowing businesses to asset or weight the importance of specific variables. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above-mentioned modification.

22. In regards to claim 12, Hamlin and Kelley are silent in regards to categorizing and classifying said authorized response into at least two sub-classifications. Chen teaches on this aspect (Paragraph [0025], lines 1-4). One of ordinary skill in the art at

Art Unit: 2142

the time of invention would be motivated to make the above-mentioned modification for the same reasons discussed in Claim 10.

23. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley, Hamlin, Chen and Guler as applied to claim 13 above, and further in view of Busche.

24. In regards to claim 13, Hamlin, Kelley, Chen and Guler are silent in regards to searching said database according to a pre-selected paradigm. Busche teaches on this aspect (Paragraph [0006] , lines 1-2, Paragraph [0023] , lines 3-4). One of ordinary skill in the art at the time of invention would be motivated to make the above-mentioned modification for the same reasons discussed in claim 4.

25. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin, Kelley, Chen, Guler , and Busche, as applied to claims 13 above, and further in view of Bourne.

26. In regards to claim 14, Hamlin, Kelley, Chen, Busche and Guler are all silent in regards to the step of insuring said stimulus is not retained at said remote interface. Bourne teaches on this aspect (Col 15, lines 5-9, 1-3). Both Hamlin and Bourne inventions relate to facilitating communication between different entities. Adding the above-mentioned feature to Hamlin would be an overall improvement because it would

Art Unit: 2142

allow the client (Hamlin, Fig 2 Item 280) to use less memory space and also improve client system handling of dynamic content. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above mentioned modification into the invention as taught by Hamlin, Busche, Chen, Guler, and Bourne.

27. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin further in view of Kelly, further in view of Bourne, and further in view of Guler.

28. In regards to claim 15:

- Hamlin teaches of a) generating a digital template (Fig 3) for said server (Fig 2A, item 254), wherein said server further includes a database (Fig 2, item 256) for categorizing, aggregating and classifying said data (Col 6, lines 12-14, Col 5, lines 47- 49); Although Hamlin teaches of generating a template (Fig 3) he fails to teach that more than one template can be generated. It would be obvious to one of ordinary skill in the art to modify Hamlin's invention so that a plurality of digital templates are generated. Hamlin's invention is a business method of allowing clients to conduct surveys and obtain results (Col 2, lines 44-48). Generating a plurality of digital templates would allow a plurality of clients to create surveys thus resulting in increased profits for Hamlin. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above-mentioned modification.

Art Unit: 2142

- b) controlling intercommunication between said digital template....(Col 6, lines 21-22, Col 9 line 28). Although Hamlin did not explicitly teach that intercommunication was controlled via a computer program between.....this is implicitly implied by teaching that storage unit stores survey results.;
- c) prohibiting unauthorized use of said server (Col 13, lines 28-30, Fig 2, item 254), User is not authorized to take survey, which is located on server.
- d) authorizing use of said server by an authorized user (Col 12, lines 51-55)
- e) interlinking said remote interface (fig 2, item 280) with said server.....(Col 6, lines 39-41, 52-53)
- f) displaying digital template for use (Col 6, lines 39-41, Fig 2B)
- g) propounding a stimulus from said digital template (Fig 3, Col 7, lines 1-5, 20-24)
- i) categorizing and aggregating continuously, in real time (Col 5, lines 47-49, Col 10, lines 25-26)
- j) classifying and sub-classifying continuously, pursuant to an.....(Col 5, lines 47-49, Col 10 lines 20-23)
- l) governing format of said digital template (Fig 3)
- n) Hamlin teaches of reporting real time data to(Col 10, lines 24-29)
- k)Hamlin is silent in regards to time stamping and date stamping said authorized response. Kelly teaches in this regard (Paragraph [0050], lines 1-3). Hamlin's invention is related to providing an improved and efficient survey mechanism for businesses (Col 2, lines 44-48). Kelly's invention relates to providing

companies with feedback from clients regarding their products and services (Paragraph [0002], lines 1-2). Adding the above mention feature to Hamlin's invention would allow the businesses to know if the data is relevant with respect to time (i.e. focus on the data that is closest to the period or time that they are trying to obtain info about customer behavior). It is for this reason that one of ordinary skill at the time of invention would be motivated to make the above-mentioned modifications.

- h) Hamlin is silent in regards insuring stimulus is not retained at said remote interface. Bourne teaches on this aspect (Col 15, lines 5-9, 1-3). Both Hamlin and Bourne inventions relate to facilitating communication between different entities. Adding the above-mentioned feature to Hamlin would be an overall improvement because it would allow the client (Hamlin, Fig 2 Item 280) to use less memory space and also improve client system handling of dynamic content.
- m) Hamlin is silent in regards to the step of generating weighted averages. Guler teaches on this aspect (Paragraph [0129], lines 3-5). Hamlin's invention relates to helping businesses make more informed and accurate decisions (Col 2, lines 44-48). Guler's invention relates to helping businesses make decisions that will maximize the outcome in their favor (Paragraph [0005], lines 1-2, Paragraph [0010], lines 2-4). Adding the above mentioned feature to Hamlin's invention would improve Hamlin's invention because it give an overview or average of specific variables, allowing businesses to asset or weight the importance of

Art Unit: 2142

specific variables. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above-mentioned modification.

29. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin further in view of Kelly, further in view of Bourne, and further in view of Guler as applied to claim 15 above, and further in view of Chen.

30. In regards to claim 16, Hamlin, Kelley , Bourne, Guler are all silent in regards to cross-tabbing said data. Chen teaches that data is cross-tabbed (Fig 2 and 4).

Hamlin's invention relates to providing businesses with information relating to the behaviors and opinions of the market place (Col 1, lines 2-4). Chen's invention relates to profiling customer's behavior (Paragraph [0002], lines 1-2). Adding the above mention features to Hamlin's invention would give a more complete understanding of customers' behavior. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above mentioned modification.

31. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin further in view of Kelly, further in view of Bourne, and further in view of Guler and further in view of Chen as applied to claim 16 above, and further in view of Busche.

32. In regards to claim 17, Hamlin , Kelly, Bourne, Guler and Chen are all silent in regards to searching said database according to a pre-selected paradigm. Busche teaches on this aspect (Paragraph [0006] , lines 1-2, Paragraph [0023] , lines 3-4).

Hamlin's invention relates to providing businesses with information relating to the behaviors and opinions of the market place (Col 1, lines 2-4). Busche's invention relates to providing businesses with a better understanding of their customers (Paragraph [0007], lines 1-4). Adding the above mentioned feature to Hamlin's invention would allow Hamlin to focus on specific aspects of the data collected, further reducing the time it takes to analyze the collected data. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above mentioned modification.

33. In regards to claim 18, Hamlin, Kelley, Guler, Borne and Busche are silent in regards to reporting more than one pre-selected category of real time data. Chen teaches on this aspect (Fig 2, Paragraph [0035], lines 1-3). Hamlin's invention relates to providing businesses with information relating to the behaviors and opinions of the market place (Col 1, lines 2-4). Chen's invention relates to profiling customer's behavior (Paragraph [0002], lines 1-2). Adding the above mentioned feature to Hamlin's invention would allow Hamlin to focus on specific aspects of the data collected, further reducing the time it takes to analyze the collected data. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above mentioned modification.

34. Claim 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin further in view of Kelly, further in view of Bourne, and further in view of Chen, and further in view of Guler.

35. In regards to claim 19:

- Claim 19 has all the limitations of claim 15. Claim 19 further teaches that
- e) wireless interlinking said remote interface with said server, wherein said computer program further interrelates said remote interface, said server and said plurality of digital templates. Hamlin did not specify whether the interlink was wireless or wired. (Fig 1, item 280 and 252, Col 6, lines 39-41, 52-53). Allowing the interlinking to include both wired and wireless interlink would be an improvement to Hamlin's invention because it would provide the client with more flexible (i.e. allowing client to communicate with server regardless of wired or wireless interface). It is for this reason that one of ordinary skill in the art would be motivated to make the above modifications.

36. In regards to claim 20, Hamlin, Kelley, Bourne and Guler are all silent in regards to cross-tabbing said data. Chen teaches that data is cross-tabbed (Fig 2 and 4).

Hamlin's invention relates to providing businesses with information relating to the behaviors and opinions of the market place (Col 1, lines 2-4). Chen's invention relates to profiling customer's behavior (Paragraph [0002], lines 1-2). Adding the above mention features to Hamlin's invention would give a more complete understanding of customers' behavior. It is for this reason that one of ordinary skill in the art at the time of invention would be motivated to make the above mentioned modification.

37. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin further in view of Kelly, further in view of Bourne, and further in view of

Art Unit: 2142

Guler , and further in view of Chen as applied to claim 19 above, and further in view of Busche.

38. In regards to claim 21, Hamlin, Kelley, Bourne and Guler are silent in regards to searching said database according to a pre-selected paradigm. Busche teaches on this aspect (Paragraph [0006] , lines 1-2, Paragraph [0023] , lines 3-4). One of ordinary skill in the art at the time of invention would be motivated to make the above mentioned modification for the same reasons discussed in claim 4.

Conclusion

39. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2142

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmr



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER